EXPLANATION OF

30

فروع الفقه

Ibn al-Mibrad

Shaykh Ahmad Musā Jibrīl

May Allāh (سبحانه وتعالى) ease the affairs of the Shaykh, preserve him, love him, and safeguard him from all harm. May He (سبحانه وتعالى) keep him sincere, and continue to shower his life and Da'wah with His blessings, and allow the Muslims to benefit from his da'wah until the Day of Judgement. May Allāh make all his efforts weigh heavy on his scales, and make it an immense Sadaqah Jāriyah for him, his parents, and his family. May Allāh facilitate the completion of this Sharh and shower him with His aid always and forever.

SH_AHMAD_JIBRIL

SH_AHMAD_JIBRIL

T.ME/AHMAD_MUSA_JIBRIL

SHAYKH AHMAD MUSĀ JIBRĪL

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بسم الله الرحمن الرحيم

الحمد لله رب العالمين، والعاقبة للمتقين، والصلاة والسلام على عبده ورسوله وخليله وصفوته من خلقه، نبينا وإمامنا وسيدنا محمد، وعلى آله واصحابه ومن سلك سبيله واهتدى بهداه الى يوم الدين، اما بعد:

Recap

We're on the nullifiers of Wudū', and the author رحمه الله تعالى said there are 8 of them.

والنواقض في الطهارة الصغرى ثمانية

There are 8 nullifiers of Wudū'. الخارج من السبيلين, what exits from the two private parts. والفاحش من غيرهما, what exits from other than the two private parts that's repulsive. وزوال العقل بغير نوم يسير جالسا أو قائما, loss of consciousness, and like it is sleep, except for light sleep while one is sitting or standing. That was the third one. The fourth and fifth ones are ومس الفرج والمرأة لشهوة, touching the private parts and a woman with desire. The sixth one is وأكل لحم الإبل, eating the meat of the camel. And that's what we finished last class.

We took the Masā'il on that nullifier. And in the last class we took the issue pertaining to the wisdom or 'Illah behind Wudū' from eating the meat of a camel, and that was not just a lesson for the wisdom in this matter, but it applies to other 'Ibādāt as well.

Nullifier #7 – والردة

The seventh nullifier that we'll start on today insha'Allāh is Riddah, والردة, apostasy. And Riddah, as I previously stated, has many forms.

- الردة بالقول — Verbal Riddah, and that's like abusing Allāh, or the Messenger ﷺ, or the angels, والعياذ بالله. Some Shirk falls under this, like verbally seeking aid from other than Allāh سبحانه وتعالى in that which only Allāh سبحانه وتعالى can grant, or to verbally allege, for example, that one knows Al-Ghayb, knows the unseen, that only Allāh سبحانه وتعالى knows.
- الردة بالفعل — Then there's الردة بالفعل, Riddah due to a physical action, like performing sorcery or desecrating the Qur'ān or sacrificing to other than Allāh.
- الردة بالاعتقاد — And then there's الردة بالاعتقاد, Riddah due to a concept of belief. Like an example would be Kufr Al-Istihlāl, to believe something emphatically, unequivocally proven in Islām as a Harām, to believe it's Halāl — or the opposite. Like believing Zinā or the act of Qawm Lūt is Halāl. That would be Kufr, even if

one doesn't commit that sin. Or, for example, to say Salāh and Hijāb are not Wājib — that is Kufr, even if one does wear the Hijāb, for example.

- الردة بالترك — Then there's الردة بالترك. Riddah due to leaving something. And that's like Salāh, in the correct of two opinions.
- الردة بالشك — There is also الردة بالشك. Riddah due to some doubts. Doubting in the existence of Allāh سبحانه وتعالى or doubting that Shirk may not really be Harām.

Now our Mas'alah is, does Riddah nullify Wudū'? Of course, this Mas'alah matters for someone who committed Riddah, then regretted it and wanted to come back to Islām. Someone was on Wudū', committed an act of Riddah then wanted to return back to Islām, does he have to renew his Wudū'? He committed no Wudū' nullifiers except Riddah during that period. Does he have to redo his Wudū'? Someone who doesn't come back to Islām doesn't really care about this Mas'alah, and he's got a lot more to worry about when he stands before Allāh سبحانه وتعالى, نسأل الله السلامة.

- The first opinion is that Riddah nullifies Wudū' and that's the opinion of the Hanābilah, some of the Mālikiyyah chose it, and some of the Shāfi'īyyah chose it, and Ibn Taymiyyah chose it. They said Riddah nullifies Wudū', and they used as proof — the first proof consists of two verses,

وَلَقَدْ أُوحِيَ إِلَيْكَ وَإِلَى ٱلَّذِينَ مِن قَبْلِكَ لَئِنْ أَشْرَكْتَ لَيَحْبَطَنَّ عَمَلُكَ وَلَتَكُونَنَّ مِنَ ٱلْخَٰسِرِينَ

"It's been revealed to you, and the prophets before you, that if you associate a partner with Allāh, your deeds will become void, in vain, and lost. And you will be among the losers." Similar to that verse is the verse in Sūrat Al-Mā'idah,

وَمَن يَكْفُرْ بِٱلْإِيمَٰنِ فَقَدْ حَبِطَ عَمَلُهُۥ

The verses state if you become a Murtadd, والعياذ بالله, your deeds are lost, they're void, they're nullified. They said Wudū' is part of the deeds. Therefore, they're void and nullified with Riddah.

The opposing group responded to this. They said, the deeds of one who apostates become void and in vain if one *dies* a Murtadd, not if he returns back to Islām. If he returns to Islām, his deeds will be returned back to him. Where did you get this from? They said we have a verse. The verse says,

وَمَن يَرْتَدِدْ مِنكُمْ عَن دِينِهِۦ فَيَمُتْ وَهُوَ كَافِرٌ فَأُو۟لَٰٓئِكَ حَبِطَتْ أَعْمَٰلُهُمْ فِى ٱلدُّنْيَا وَٱلْـَٔاخِرَةِ ۖ وَأُو۟لَٰٓئِكَ أَصْحَٰبُ ٱلنَّارِ ۖ هُمْ فِيهَا خَٰلِدُونَ

"Whoever of you turns back from his religion, becomes a Murtadd and *dies a disbeliever*," — that's the verse — "and dies a disbeliever, then his deeds will be lost and void in this life and in the life after. And they'll be among the dwellers of Jahannam forever." That's an important concept to know about Riddah. And SubhānAllāh, as grievous as Riddah is, this shows the mercy of Allāh سبحانه وتعالى

and how He wants everyone to return back to Him and the enormous opportunities He gives for one to return back to Him, no matter how big the sins are.

وَمَن يَرْتَدِدْ مِنكُمْ عَن دِينِهِۦ فَيَمُتْ وَهُوَ كَافِرٌ

Meaning if one becomes a Murtadd, but doesn't die in that status, rather he comes back to Islām, then the deeds will not be lost and void. If one becomes a Murtadd and dies on that status, that's when the deeds are lost. This is a side Mas'alah and a disputed one, but it's an important one. It's important for this Mas'alah and important for the issue of Riddah as well, so we'll slip it in here.

To keep our train of thoughts in order, let me review what we took. The first opinion said the Murtadd's deeds are nullified. They mentioned two verses that clearly state an apostate's deeds are void and lost. They said Wudū' is part of those deeds. So they (the deeds) are void with Riddah. If the deeds are lost, Wudū' is part of those deeds. So Wudū' is nullified, one must redo the Wudū'. It's a nullifier of Wudū'.

The opposing opinion responded and said that's only if one dies a Kāfir, then the deeds are nullified. If he comes back to Islām before dying, his deeds will not be lost. They'll be intact and returned to him. And again, this is a side issue but an important one, the issue of, "Are a Murtadd's deeds lost even if he returns to Islām before dying?" If one becomes a Murtadd, do his deeds void on the spot, or is it only if he dies on Riddah that they're void? Ash-Shāfi'ī and Ash-Shawkāni and

Ash-Shanqīti chose the opinion that Riddah only nullifies deeds if one dies a Kāfir. Someone fell in a Riddah then came back to Islām, his previous deeds will be returned to him. Why?

وَمَن يَرْتَدِدْ مِنكُمْ عَن دِينِهِۦ فَيَمُتْ وَهُوَ كَافِرٌ

The verse stipulated two conditions. He becomes a Murtadd, apostate, and *dies on that status*, and one who returns to Islām didn't die on that status of Riddah. And it appears from certain Masā'il that Imām An-Nawawi concluded or mentioned that the three other Ulamā' (Abu Hanīfah, Mālik, and Imām Ahmad in one of two opinions) adopt that a person's deeds nullify on the spot with Riddah and they will not be returned to him. If he comes back to Islām, he starts all over. Why? The other proof.

لَئِنْ أَشْرَكْتَ لَيَحْبَطَنَّ عَمَلُكَ

"If you commit Shirk, your deeds will be lost and void." However, it appears that Ash-Shāfi'ī's opinion is more correct, because the verse Ash-Shāfi'ī used — and we're encouraged to take proofs all together, collectively, when possible — and the verse that Ash-Shāfi'ī mentioned can be taken to explain the other verses the Ulamā' used. And when taken collectively all together, the meaning will be that the deeds will be lost if one dies on Riddah, on Kufr. If one came back to Islām, then the deeds will be returned him.

Again, to keep our train of thoughts in order, we mentioned the first opinion that Riddah nullifies Wudū'. They mentioned as proof, verses that clearly states that a Murtadd's deeds are void.

وَلَقَدْ أُوحِيَ إِلَيْكَ وَإِلَى ٱلَّذِينَ مِن قَبْلِكَ لَئِنْ أَشْرَكْتَ لَيَحْبَطَنَّ عَمَلُكَ

The second verse,

وَمَن يَكْفُرْ بِٱلْإِيمَٰنِ فَقَدْ حَبِطَ عَمَلُهُۥ

The opposing opinion, the Ulamā' responded saying that there's a verse that explains that, and it's:

وَمَن يَرْتَدِدْ مِنكُمْ عَن دِينِهِۦ فَيَمُتْ وَهُوَ كَافِرٌ

That the deeds will only be lost if one dies on the status of Kufr.

Moving along, the second proof for this opinion that says Riddah nullifies Wudū' is a Hadīth in Sahīh Muslim

الطُّهُورُ شَطْرُ الإِيمَانِ وَالْحَمْدُ لِلَّهِ تَمْلأُ الْمِيزَانَ، وَسُبْحَانَ اللَّهِ وَالْحَمْدُ لِلَّهِ تَمْلآنِ – أَوْ تَمْلأُ – مَا بَيْنَ السَّمَوَاتِ وَالأَرْضِ وَالصَّلاَةُ نُورٌ وَالصَّدَقَةُ بُرْهَانٌ وَالصَّبْرُ ضِيَاءٌ وَالْقُرْآنُ حُجَّةٌ لَكَ أَوْ عَلَيْكَ

Sibawayh and Ibn Al-Athīr mentioned that the term here, الطُّهُور, can be with a Fatha or a Dhamma on the ط. That's why some editions may mention it with a Fatha (At-Tahūr), some may mention it with a Dhammah (At-Tuhūr). Grammatically speaking, the difference in Tashkīl would come as a Masdar for one and a Fi'l for another.

The Hadīth says purity, Tuhūr, Tahārah, is half of faith. How is this proof that Riddah nullifies Wudū'? They said the Hadīth clearly says Tahārah, cleanliness, purification is half of Īmān. Riddah (apostasy) nullifies what? It nullifies Īmān. The Hadith is saying Wudū' is part of Īmān, Shatr Al- Īmān — not just part of Īmān, but actually half of Īmān — so it's nullified with Riddah. That's the first opinion and their proofs.

- The second opinion is that Riddah does not nullify Wudū'. This is the opinion of the Madhhab of the Hanafiyyah and it appears to be the Madhhab of the Shāfi'īyyah and a second opinion of the Mālikiyyah and Ibn Hazm strongly defended this opinion. The first proof they gave, and the weakest proof for them, is the Hadīth,

لَا وُضُوءَ إِلَّا مِنْ صَوْتٍ أَوْ رِيحٍ

"No Wudū' is necessary except if one makes a sound or breaks wind." What they're trying to say is that Riddah is not mentioned here in this Hadīth, so it's not a nullifier. We took in the past classes the response to this type of argument. We took what's meant and the circumstances and that other narrations explain it.

لاَ يَنْصَرِفْ حَتَّى يَسْمَعَ صَوْتًا أَوْ يَجِدَ رِيحًا

The Hadīth is not limiting the nullifiers of Wudū' to the discharge of wind. The Hadith is in the special context of one in Salāh doubting if he discharged wind and if he should leave the Salāh — and he shouldn't leave the Salāh, as the Hadīth says, unless he hears a sound or smells something.

Another response is that there's many other nullifiers of Wudū', that nullify Wudū', but they're not mentioned in this Hadīth. So the Hadīth is not limiting the nullifiers of Wudū'. The last nullifier that we took, it's not mentioned in this Hadith — eating the meat of the camel, touching the private parts, urinating, and other nullifiers. So the Hadīth is not limiting the nullifiers of Wudū'.

Another response is that it's possible that the Hadīth is mentioning the least of the nullifiers, and that would encompass what's more and bigger than that. It mentioned the least of it, and that would include what's above it, like discharge of

urine or feces and other nullifiers as well. Even if we agree with this opinion — which I do, and I think and I believe it's the correct opinion, Riddah is not a nullifier of Wudū' — using this as proof is not accurate in this context.

The second proof is a rationale from the Ahnāf, this pertains to the Ahnāf. The Ahnāf adopt the opinion that Riddah does not nullify Wudū', because the Ahnāf don't require Islām as a condition or stipulation for Wudū' itself. So, you can see how they would choose this opinion. Ahnaf don't stipulate Islām as a condition for Wudū'. Al-Kāsāni in his book Badā'i As-Sana'ā, the book that I said was a dowry he gave to marry his wife Fātimah, he said,

إيمان المتوضئ ليس بشرط لصحة وضوئه عندنا، فيجوز وضوء الكافر عندنا

According to the Ahnāf, if one was a Kāfir, he made Wudū' and he became Muslim right after and made no nullifier, he doesn't need to renew the Wudū'. So it's obvious with Riddah, they'll be consistent along with that as well. According to the Ahnāf, someone who is on Wudū' and apostated and then came back to Islām, without committing any other nullifier of Wudū', then he's on Wudū' all throughout, because they don't consider Islām as a condition for Wudū'. They don't require Islām as a precondition for Wudū', unlike the Jumhūr and the majority.

The next proof is what we mentioned in the response earlier, but we'll state it here independently as proof. They said that the deeds of one who apostated become void if he *dies* a Murtadd, because,

وَمَن يَرْتَدِدْ مِنكُمْ عَن دِينِهِۦ فَيَمُتْ وَهُوَ كَافِرٌ

Whoever becomes a Murtadd and dies a disbeliever, that's when the deeds will be lost. They said, the deeds being void are connected to one dying on Riddah and not returning back to Islām. If he returns back to Islām, the deeds return back to him. So Wudū' is among those deeds and it didn't get nullified because he didn't die a Murtadd.

A follow-up proof — it's an independent proof but a follow-up to this one — they said even if we accept, for the sake of argument, your opinion that Riddah nullifies deeds on the spot immediately, even if we accept that for the sake of argument, they said what's nullified in reality with Riddah is the reward for the deeds, not the actual deeds themselves. But regardless, as we stated, the correct opinion is that nullifying of the deed is if one dies as a Murtadd, as we stated.

The next proof, and you need to focus because this is a rationale by Ibn Hazm. He said, there's something we both agree on here. He said, if a Muslim or a Muslimah makes full Ghusl from a major impurity — a woman from her menstrual cycle or Janābah or a man from Janābah — if they do the proper Ghusl or Wudū', then they apostate, then they return to Islām, Ibn Hazm is saying we agree by Ijmā', we all adopt, that Riddah (apostasy) doesn't nullify that Ghusl of Janābah or Hayd. So he said, you do not require one to redo his Ghusl, his major Ghusl from a major impurity, after Riddah, if you don't require one to redo his or her major impurity Ghusl, why are you requiring him to redo his or her Wudū'?

Then Ibn Hazm also said, there is no proof from the Qur'ān or Sunnah, strong or weak from the Sunnah, or from Ijmā', or Qiyās that Riddah (apostasy) is a Hadath — a nullifier of Tahārah, of purification.

Let me repeat. Someone made Ghusl, took a shower from major impurity like Janābah or from menstrual cycle, then that person became a Murtadd (apostate) والعياذ بالله, then, that person came back to Islām — Ibn Hazm is saying no one adopts the opinion that that Ghusl of Janābah became nullified, and that that person needs to redo the Ghusl. He said, we both agree on that. Why do you require him to redo the Wudū' when you don't consider that Ghusl from Janābah as being nullified? So he's basically saying there's no consistency. You require that person who committed Riddah to redo his Wudū', but not to redo his Janābah Ghusl.

And keep in mind, Ibn Hazm, as you know, denies Qiyās. He doesn't accept analogy as proof. He doesn't allow the usage of Qiyās, and strongly criticizes those who use Qiyās. And here, he took a dig at his opponents. He said those who adopt that Wudū' gets nullified with Riddah, they believe in Qiyās. He said why don't they do Qiyās here? Why don't they make analogy, Qiyās, of the Wudū' of a Murtadd, of one who committed Riddah, not being nullified on the Ghusl of Janābah or Hayd, that we both agree is not nullified. He said that would be the best Qiyās if any Qiyās is actually good.

Let me repeat it a third time in a one-liner. Ibn Hazm is saying no one said that a Murtadd's Janābah, the major impurity Ghusl, gets nullified. So why do you say a Murtadd's Wudū' gets nullified?

Ar-Rājih

The Al-Rajih on this is that Riddah, والله أعلم, is not a nullifier of Wudū' because there is no clear authentic proof on that. As Ibn Hazm mentioned, that there is no proof from the Qur'ān, nor from the Sunnah, authentic or weak, or Ijma', or Qiyās to indicate that Riddah is a nullifier of Wudū'. And as we took many times, in order to say something nullifies Wudū', there needs to be clear, solid, authentic proof. Tahārah is established by Yaqīn, and doesn't get nullified except by clear proof, clear authentic proof.

Another point I wanted to mention is, some Fuqahā' from the Hanābilah neglected to mention this as a nullifier in their books. They didn't mention this (Riddah) as a nullifier of Wudū'. Some of them said it's actually useless to mention it. Why would it be pointless or useless to mention it, according to them? Because, first of all, if a Murtadd does not return back to Islām, it's clear this is the least of his worries before Allāh. There's no point in even discussing it. He doesn't even want it, because he's not returning back to Islām. It's a pointless Mas'alah, according to them, if the person doesn't come back to Islām. But even if he comes back to Islām, it's also pointless. Why? Because some adopt the opinion that a Murtadd, a Kāfir, entering back into Islām must do a full Ghusl with Wudū', the Ghusl and it encompasses the Wudū'. So there's no

point for them to mention Wudū' as a nullifier, because either the person remains a Murtadd, and doesn't need this Mas'alah, or he comes to Islām, and if he comes to Islām according to them, you have to do the full Ghusl, and that would encompass the Wudū'. And just so you know, the dispute pertaining to a Kāfir or a Murtaddd making Ghusl if he comes back to Islām is discussed in other sections of Fiqh. We're under the minor impurities here.

With this, the author completes the nullifiers of Wudū'. This is the last nullifier of Wudū' that the author mentions. I tried to repeat, in the beginning of the classes, the Matn over and over to help the students memorize. And if you notice, I kept saying there are eight nullifiers of Wudū'. But also if you notice, we're on the seventh nullifier, and I said this is the last one the author mentions. The seventh nullifier, Riddah, is the last one the author mentions. Then he goes to the next section, which is the major impurities. And I'll explain, inshā'Allāh, what happened to the eighth nullifier. And another point, even though he said there are eight, but mentioned seven, and he finished with the nullifiers, we're not done with that. We're not done with the nullifiers. And I'll explain that in the next Halaqah inshā'Allāh.

JazākumAllāhu Khayrā

وصلى الله على سيدنا محمد وعلى آله وصحبه وسلم